

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1214

Introduced by Assembly Member Nava

February 27, 2009

An act to add Section ~~10053~~ *16031* to the Insurance Code, relating to fire insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1214, as amended, Nava. Fire insurance: underwriters' corps: liability.

Existing law authorizes any domestic corporation of insurance underwriters to maintain an underwriter's corps. Under existing law, an underwriter's corps is defined as a group of persons with officers and equipment, maintained to discover and prevent fires and to save life and property from fire. ~~Under existing case law, an employer can be held liable for the tortious or criminal acts of employees committed within the course and scope of employment.~~

~~This bill would state that an insurance company employing a private firefighting company shall be liable for injury to a 3rd party caused by a civil or criminal act or omission of the firefighting company committed within the course and scope of the work for which the insurance company contracted with the firefighting company.~~ *specify that any privately owned or operated resources hired by an insurer for the purpose of protecting structures endangered by fire or performing firefighting duties shall report to the incident commander or his or her designee immediately upon arriving at the site of a fire. This bill would also require those resources to obey all directions, including evacuation orders, given by the incident commander or his or her designee. This*

bill would also state that an insurance adjuster with special training or equipment relative to fire protection or firefighting services as certified by the Insurance Commissioner shall report to the incident commander or his or her designee immediately upon arriving at the site of a fire. This bill would require that, after reporting to the incident commander and as soon as operationally practical, the insurance adjuster be allowed into an evacuated fire area.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16031 is added to the Insurance Code,
2 to read:
3 16031. (a) Any privately owned or operated resources hired
4 by an insurer for the purpose of protecting structures endangered
5 by fire or performing firefighting duties shall report to the incident
6 commander or his or her designee immediately upon arriving at
7 the site of a fire. Those resources must obey all directions,
8 including evacuation orders, given by the incident commander or
9 his or her designee.
10 (b) An insurance adjuster with special training or equipment
11 relative to fire protection or firefighting services as certified by
12 the Insurance Commissioner shall report to the incident
13 commander or his or her designee immediately upon arriving at
14 the site of a fire. After reporting to the incident commander, and
15 as soon as operationally practical, the insurance adjuster shall
16 be allowed into an evacuated fire area.
17 ~~SECTION 1. Section 10053 is added to the Insurance Code,~~
18 ~~to read:~~
19 ~~10053. Any insurance company admitted to do business in~~
20 ~~California that employs a private firefighting company for purposes~~
21 ~~of providing emergency response services shall be liable for injury~~
22 ~~to a third party or damage to property from a criminal or civil act~~
23 ~~or omission of the company committed within the course and scope~~
24 ~~of the work contracted for with that private firefighting company.~~